

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) WILSPEC TECHNOLOGIES, INC.)	
an Oklahoma Corporation)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-1328-M
)	
(1) Rugao Isen Electronic Co., Ltd.)	
AKA Isen Controls)	
a Chinese Company; and)	
)	
(2) Cai Zhanling)	
an Individual)	
)	
Defendants.)	JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiff WILSPEC TECHNOLOGIES, INC. ("Plaintiff"), by and through its attorneys, and states the following in support of its Complaint against Defendants, Rugao Isen Electronic Co., Ltd. of China and Cai Zhanling, an individual ("Defendants").

NATURE OF COMPLAINT

1. This is an action for injunctive relief and monetary damages arising out of, inter alia, Defendants' infringement and unauthorized use of Plaintiff's copyrighted pictures of

products. Defendants have also engaged in false advertising, false designation of origin, deceptive and unfair trade practices, unfair competition, and passing off.

JURISDICTION AND VENUE

2. This action arises under federal law seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States. This Court has jurisdiction over the subject matter of this action under 17 U.S.C. § 101 *et seq.*, 28 U.S.C. § 1331 (federal question), and 28 U.S. C. § 1338 (copyright).

3. This action arises under federal law, namely the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and under the laws of the State of Oklahoma, namely Oklahoma Statutes Title 78 §§ 33 and 51 *et seq.*, (1998). This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121 and 28 U.S. C. §§ 1331, 1338, and 1367, because this action arises under the Lanham Act, Title 15 of the United States Code.

4. This court has personal jurisdiction over Defendants under 28 U.S. C. § 1391, because they have conducted business, continue to conduct business, and have caused damages to Plaintiff in this district. This Court has jurisdiction over the claims arising under the laws of the State of Oklahoma pursuant to 28 U.S.C. § 1367. Venue is properly laid in this District under 28 U.S.C. " 1391-1392.

THE PARTIES

5. Plaintiff has as its principal place of business at 4801 S. Council Road, Oklahoma City, Oklahoma 73179 and has conducted business in Oklahoma and specifically the Federal Western District of Oklahoma. Plaintiff is a corporation organized and existing under the laws of the State of Oklahoma.

6. Upon information and belief, Rugao Isen Electronic Co., Ltd. AKA Isen Controls is a company in People's Republic of China with its principal place of business presently at No. 9 Qifeng Road, Rugao City, Rucheng Town, Jiangsu Province.

7. Upon information and belief, Cai Zhanling is an individual living in China and head and or general manager of Rugao Isen Electronic Co., Ltd

FACTUAL BACKGROUND

8. Plaintiff is a multimillion-dollar worldwide manufacturer and distributor of pressure controls, valve and line components, and electrical components associated with HVAC (heating, ventilating, and air conditioning). See Exhibits 1 – 14 for evidence of Plaintiff's products.

9. Defendants are also a manufacturer and distributor of pressure controls, valve and line components, and electrical components associated with HVAC.

10. The Plaintiff and Defendants are in direct competition.

11. Defendants operate a website at <http://www.isencontrols.com> and have posted numerous pictures of products owned by the Plaintiff and without Plaintiff's consent. See Exhibit 15.

12. Defendants have posted a fraudulent "UL" certification on the same website. See Exhibit 15. Upon information and belief, Defendants either do not have a "UL" certification or they obtained one by illegally and without permission submitting Plaintiff's products.

13. Defendants have posted a fraudulent statement on the same website regarding a "patented" product. See Exhibit 15. Upon information and belief, Defendants do not have any patents.

COUNT 1. INFRINGEMENT OF COPYRIGHT PICTURE 1

14. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

15. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted work on Exhibit 1 to this Complaint ("Picture 1"). Picture 1 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 1.

16. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 1 and to distribute same to the public.

17. Defendants willfully infringed Plaintiff's copyright in said Picture 1 by copying and placing upon the market Picture 1 with the intent to sell products associated with Picture 1 and is currently illegally displaying Picture 1 on the Defendants' website <http://www.isencontrols.com> .

COUNT 2. INFRINGEMENT OF COPYRIGHT PICTURE 2

18. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

19. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 2 to this Complaint ("Picture 2"). Picture 2 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 2

20. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 2 and to distribute same to the public.

21. Defendants willfully infringed Plaintiff's copyright in said Picture 2 by copying and placing upon the market Picture 2 with the intent to sell products associated with Picture 2 and is currently illegally displaying Picture 2 on the Defendants' website <http://www.isencontrols.com>.

COUNT 3. INFRINGEMENT OF COPYRIGHT PICTURE 3

22. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

23. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 3 to this Complaint ("Picture 3"). Picture 3 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 3.

24. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 3 and to distribute same to the public.

25. Defendants willfully infringed Plaintiff's copyright in said Picture 3 by copying and placing upon the market Picture 3 with the intent to sell products associated with Picture 3 and is currently illegally displaying Picture 3 on the Defendants' website <http://www.isencontrols.com>.

COUNT 4. INFRINGEMENT OF COPYRIGHT PICTURE 4

26. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

27. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art

work on Exhibit 4 to this Complaint ("Picture 4"). Picture 4 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 4.

28. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 4 and to distribute same to the public.

29. Defendants willfully infringed Plaintiff's copyright in said Picture 4 by copying and placing upon the market Picture 4 with the intent to sell products associated with Picture 4 and is currently illegally displaying Picture 4 on the Defendants' website <http://www.isencontrols.com>.

COUNT 5. INFRINGEMENT OF COPYRIGHT PICTURE 5

30. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

31. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 5 to this Complaint ("Picture 5"). Picture 5 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 5.

32. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 5 and to distribute same to the public.

33. Defendants willfully infringed Plaintiff's copyright in said Picture 5 by copying and placing upon the market Picture 5 with the intent to sell products associated with Picture 5 and is currently illegally displaying Picture 5 on the Defendants' website <http://www.isencontrols.com>.

COUNT 6. INFRINGEMENT OF COPYRIGHT PICTURE 6

34. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

35. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 6 to this Complaint ("Picture 6"). Picture 6 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 6.

36. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 6 and to distribute same to the public.

37. Defendants willfully infringed Plaintiff's copyright in said Picture 6 by copying and placing upon the market Picture 6 with the intent to sell products associated with Picture 6 and is currently illegally displaying Picture 6 on the Defendants' website <http://www.isencontrols.com>.

COUNT 7. INFRINGEMENT OF COPYRIGHT PICTURE 7

38. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

39. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 7 to this Complaint ("Picture 7"). Picture 7 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 7.

40. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 7 and to distribute same to the public.

41. Defendants willfully infringed Plaintiff's copyright in said Picture 7 by copying and placing upon the market Picture 7 with the intent to sell products associated with Picture 7 and is currently illegally displaying Picture 7 on the Defendants'

<http://www.isencontrols.com>.

COUNT 8. INFRINGEMENT OF COPYRIGHT PICTURE 8

42. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

43. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art

work on Exhibit 8 to this Complaint ("Picture 8"). Picture 8 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 8.

44. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 8 and to distribute same to the public.

45. Defendants willfully infringed Plaintiff's copyright in said Picture 8 by copying and placing upon the market Picture 8 with the intent to sell products associated with Picture 8 and is currently illegally displaying Picture 8 on the Defendants' website <http://www.isencontrols.com>.

COUNT 9. INFRINGEMENT OF COPYRIGHT PICTURE 9

46. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

47. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 9 to this Complaint ("Picture 9"). Picture 9 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 9.

48. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 9 and to distribute same to the public.

49. Defendants willfully infringed Plaintiff's copyright in said Picture 9 by copying and placing upon the market Picture 9 with the intent to sell products associated with Picture 9 and is currently illegally displaying Picture 9 on the Defendants' website <http://www.isencontrols.com>.

COUNT 10. INFRINGEMENT OF COPYRIGHT PICTURE 10

50. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

51. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 10 to this Complaint ("Picture 10"). Picture 10 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 10.

52. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 10 and to distribute same to the public.

53. Defendants willfully infringed Plaintiff's copyright in said Picture 10 by copying and placing upon the market Picture 10 with the intent to sell products associated with Picture 10 and is currently illegally displaying Picture 10 on the Defendants' website <http://www.isencontrols.com>.

COUNT 11. INFRINGEMENT OF COPYRIGHT PICTURE 11

54. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

55. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 11 to this Complaint ("Picture 11"). Picture 11 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 11.

56. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 11 and to distribute same to the public.

57. Defendants willfully infringed Plaintiff's copyright in said Picture 11 by copying and placing upon the market Picture 11 with the intent to sell products associated with Picture 11 and is currently illegally displaying Picture 11 on the Defendants' website <http://www.isencontrols.com>.

COUNT 12. INFRINGEMENT OF COPYRIGHT PICTURE 12

58. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

59. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art

work on Exhibit 12 to this Complaint ("Picture 12"). Picture 12 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 12.

60. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 12 and to distribute same to the public.

61. Defendants willfully infringed Plaintiff's copyright in said Picture 12 by copying and placing upon the market Picture 12 with the intent to sell products associated with Picture 12 and is currently illegally displaying Picture 12 on the Defendants' website <http://www.isencontrols.com>.

COUNT 13. INFRINGEMENT OF COPYRIGHT PICTURE 13

62. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

63. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 13 to this Complaint ("Picture 13"). Picture 13 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 13.

64. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 13 and to distribute same to the public.

65. Defendants willfully infringed Plaintiff's copyright in said Picture 13 by copying and placing upon the market Picture 13 with the intent to sell products associated with Picture 13 and is currently illegally displaying Picture 13 on the Defendants' website <http://www.isencontrols.com>.

COUNT 14. INFRINGEMENT OF COPYRIGHT PICTURE 14

66. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

67. Plaintiff is, and at all relevant times has been, the copyright owner of exclusive rights under United States copyright law with respect to certain copyrighted art work on Exhibit 14 to this Complaint ("Picture 14"). Picture 14 is the subject of a valid Copyright Application for Registration, for which the Plaintiff is the owner. See Exhibit 14.

68. Among the exclusive rights granted to the Plaintiff under the Copyright Act are the exclusive rights to reproduce Picture 14 and to distribute same to the public.

69. Defendants willfully infringed Plaintiff's copyright in said Picture 14 by copying and placing upon the market Picture 14 with the intent to sell products associated with Picture 14 and is currently illegally displaying Picture 14 on the Defendants' website <http://www.isencontrols.com>.

**COUNT 15. UNFAIR COMPETITION / FALSE ADVERTISING /
FALSE DESIGNATION OF ORIGIN**

70. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

71. By making false and/or misleading statements about products and or services, Defendants have unfairly competed with the Plaintiff in violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a) by passing off Defendants' products as Plaintiff's and false advertising.

72. Defendants' actions as well as the false and/or misleading statements are likely to cause confusion, or mistake, or to deceive as to the source of origin of Defendants' and Plaintiff's goods and services.

73. Defendants' actions as well as the false and/or misleading statements are unfair competition and/or unfair trade practices.

74. Defendants' actions are intentional misrepresentation thereby making this case exceptional pursuant to 15 U.S.C. § 1117.

75. As a result of Defendants' unfair competition, Plaintiff is entitled to injunctive relief, treble its actual damages (including Defendants' profits), costs, and reasonable attorney fees.

**COUNT 16. VIOLATION OF THE OKLAHOMA
DECEPTIVE TRADE PRACTICES ACT**

76. Plaintiff incorporates by reference the paragraphs set forth above and further alleges:

77. By knowingly making false and/or misleading statements, Defendant has violated the Oklahoma Deceptive Trade Practices Act, Oklahoma Statutes Title 78, § 53, et seq.

78. Defendants' false and/or misleading statements as to the origin of products, "UL" certification and "patented" constitutes an appropriation of business opportunities and revenues.

79. Defendants' false and/or misleading statement is likely to cause confusion, or mistake, or to deceive as to the source of origin of Defendants' and Plaintiff's goods and services.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. For an injunction providing:

"Defendants shall be and hereby is enjoined from directly or indirectly infringing Plaintiff's rights under federal or state law in the Copyrighted Works and any art work, whether now in existence or later created, that is owned or controlled by Plaintiff, Defendants also shall destroy all copies of Plaintiff's Work and shall destroy all copies of those in any physical medium or device in Defendants' possession, custody, or control."

B. That the Defendants and all other persons, firms, or corporations acting or claiming to act on its behalf or in concert with it be restrained, enjoined, and prohibited from making false and/or misleading statements and remove same from all advertisements, web pages, and so forth.

C. That the Defendants make corrective advertising and or pay for corrective advertising.

D. That the Defendants serve upon Plaintiff or its counsel, within ten (10) days after the entry of an injunction, a written report under oath setting forth in detail the manner in which Defendants have complied with the injunction;

E. That Defendants pay damages in an amount determined at trial, which damages include, without limitation:

i. Defendants' profits, trebled pursuant to 15 U.S.C. § 1117 (b), in an amount to be determined.

ii. Actual damages in an amount to be determined.

iii. Judgment against Defendants for reasonable attorney fees and all costs of these proceedings pursuant to 15 U.S.C. § 1117 (a).

F. Judgment against Defendant granting such other and further relief as is just and equitable.

Respectfully submitted,

s/ Martin G. Ozinga

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